

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-22 are pending, Claims 1, 8 and 15 having been amended, and Claim 22 added by way of the present amendment. Claim 22 finds support at least in Claim 8, but has been drafted to avoid an interpretation under 35 USC §112, sixth paragraph.

In the outstanding Office Action, Claims 1-14 were rejected as being unpatentable over Wallstedt et al. (U.S. Patent No. 5,854,981, hereinafter Wallstedt) in view of Balogh (U.S. Publication No. 2001/0024953A1); and Claims 15-21 were rejected as being obvious over Wallstedt in view of Balogh in further view of Spear (U.S. Patent No. 6,289,220).

In reply, Claim 1 has been amended to clarify the claimed invention. In particular, Claim 1 is directed to an operation data creating method that includes steps of creating quality information indicating the communication quality level with respect to each base station at each local position within a service area. The method further includes a step of selecting base stations having a second highest or subsequent communication quality level which is lower than a highest communication quality level at each local position where the same base station of interest has the highest communication quality level, based on created quality information with respect to each base station at each local position. The method also includes a step of creating the operation data indicating the selected base stations as the other base stations related to the base station of interest at the highest communication quality level.

In the outstanding Office Action, the Office Action admits that Wallstedt does not specifically teach selecting base stations having a second or subsequent communication quality level at each local position. However, the Office Action asserts that Balogh discloses features, which are absent from Wallstedt.

Applicants respectfully traverse this assertion that Balogh teaches these features. As is clear from paragraphs 6 and 7 in Balogh, Balogh is directed to selecting between two different networks. More particularly, Balogh obtains a first access point with the best connection attributes of the available access points within the same network name as the current servicing access point, and a second access point with the best connection attributes of the available access points with a different network name than the currently servicing access point. Then, one or more connection attributes of the first access point and the second access points are compared and the connection to the second access point is established if the differences between the compared connection attributes fulfill predetermined conditions.

In contrast to amended Claim 1, Balogh, among other things, fails to teach selecting base stations having a second highest or subsequent communication quality level which is lower than a highest communication quality level at each local position where a same base station of interest has the highest communication quality level, based on the created quality information with respect to each base station at each local position, and creating the operation data indicating the selected base stations as the other base stations related to the base station of interest having the highest communication quality level as recited in Claim 1. Nor does Balogh describe creating the operation data based on the communication quality level with respect to each base station at each local position with respect to the service area in the mobile communication system which includes the plurality of base stations set up within the service area and the mobile station which makes the wireless communication with the base station, as recited in amended Claim 1.

In contrast to Balogh, an attribute of the present invention is that it is possible to enable a handover control in a state where a high communication quality level is maintained, as discussed at page 5, line 15 to page 7, line 20 of the present specification, for example.

Therefore, it is believed that the subject matter of amended Claim 1 and the beneficial effects obtained thereby, are not obvious regardless of how Wallstedt and Balogh are combined. Moreover, even if Wallstedt and Balogh could be combined in any reasonable manner, the combination would not teach or suggest all of the elements of amended Claim 1, and therefore, the combination fails to establish a *prima facie* case of obviousness with regard to Claim 1. Consequently, it is respectfully submitted that independent Claim 1 is believed to patentably define over Wallstedt and Balogh.

Although of differing scope and/or different statutory class, it is respectfully submitted that Claims 2-14 patentably define over Wallstedt and Balogh for reasons similar to that discussed above with regard to Claim 1.

With regard to the rejection of Claims 15-21, the rejection is based on Wallstedt in view of Balogh, and in further view of Spear, a tertiary reference.

As discussed above, Wallstedt and Balogh fail to teach or suggest all the features of amended Claim 1 (or Claim 8), and therefore it is respectfully submitted that these two references also fail to teach or suggest all of the features of amended Claim 15. Spear is asserted for its description of a computer-readable storage medium which stores a program. However, Spear merely describes a processor that preferentially runs software to maintain records and information relating to the identity of controllers for neighboring cells and the address information associated therewith. Spear, among other things, fails to teach or suggest a computer-readable storage medium which stores a program for causing a computer to carry out a related base station selecting procedure which causes the computer to select base stations having a second highest or subsequent communication quality level which is lower than a highest communication quality level at each local position with a same base station of interest has the highest communication quality level, based on the created quality information with respect to each station at each local position, and a creating procedure which causes the

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computer to create the operation data indicating the selected base station as the other base stations related to the base station of interest having the highest communication quality level, as recited in amended Claim 15.

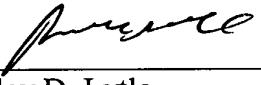
Therefore, it is respectfully submitted that the subject matter as defined in amended Claim 15, and the beneficial effects obtained thereby, is not rendered obvious in any combination of Wallstedt, Balogh, and Spear. Consequently, it is respectfully submitted that Claims 15-21 as amended, patentably define over Wallstedt, Balogh, and Spear.

New Claim 22 finds support in Claim 8, but avoids the use of "means-plus-function" language. Consequently, it is respectfully submitted that Claim 22 also patentably defines over the asserted prior art at least for the same reasons discussed above with regard to Claim 8.

Consequently, in view of the present and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-22, as amended, is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance, and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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